



COUNTY OF LOS ANGELES

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Agenda No. 3
10/25/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: COMMUNITY STANDARD DISTRICT MODIFICATION NUMBER 03-344-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

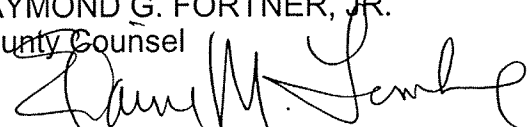
Dear Supervisors:

Your Board previously conducted a hearing regarding a modification of standards of the East Pasadena - San Gabriel Community Standards District ("CSD") to allow deviation from the CSD's minimum street frontage requirements to enable creation of two single-family lots on 0.4 acres on Ardenale Avenue. The CSD Modification request was made in conjunction with Parcel Map No. 060415-(5), which was approved by the Regional Planning Commission and not appealed to your Board. At the conclusion of the hearing, you indicated an intent to approve the modification with additional conditions and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

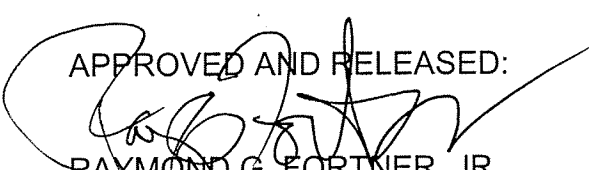
Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By


ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

EML:di
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
COMMUNITY STANDARDS DISTRICT MODIFICATION NUMBER 03-344-(5)**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on the proposed Community Standards District ("CSD") Modification No. 03-344-(5) on October 25, 2005. The Los Angeles County Regional Planning Commission ("Commission") previously conducted a duly noticed public hearing on this CSD Modification on June 15, 2005. At that same June 15, 2004 hearing, the Commission held a hearing on Tentative Parcel Map No. 060415-(5), which related to the same parcels of property as CSD Modification No. 03-344-(5).
2. The Commission approved the above-referenced parcel map, subdividing one lot into two parcels, and the CSD Modification on July 13, 2005. Approval of the parcel map was not appealed to this Board and became final in August 2005. The Commission's approval of CSD Modification No. 03-344-(5) was appealed to the Board.
3. CSD Modification No. 03-344-(5) to the East Pasadena - San Gabriel CSD will allow deviation from the minimum street frontage requirement of 70 feet to allow development of two single-family homes on a 0.4-acre site which will have a combined street frontage of 80 feet.
4. The CSD Modification allows each lot on the subdivided parcel to deviate from the standards of the CSD, allowing one lot with a street frontage width of 60 feet and the other lot with a street frontage width of 20 feet. It would also create one flag lot. Parcel No. 1 will have a 60-foot street frontage width and Parcel No. 2, the flag lot, will utilize its 20-foot street frontage for a driveway.
5. The subject property is located at 9137 Ardendale Avenue, San Gabriel, in the South Santa Anita - Temple City Zoned District.
6. Other flag lots exist in the neighborhood, within 500 feet of the property, including some on the same street as the subject property.
7. The rectangular shaped subject property is 0.4 gross acres in size with level topography. The site is currently developed with a single-family residence, a guest house, and a storage shed. The existing single-family residence is to remain, and the guest house and storage shed are to be removed.
8. Access to the site is via Ardendale Avenue to the south. Ardendale Avenue is an improved public street. Potable water is provided to the site by the Sunny Slope Water Company, a public water system. Sewage disposal is provided through the public sewer and wastewater treatment facilities of the Los Angeles County Sanitation District.

9. The project site is zoned R-1-5,000 (single-family residential, requiring a minimum area of 5,000 square feet). The current R-1 zoning on the subject property became effective on February 4, 1938, following the adoption of Ordinance No. 3045, which established the South Santa Anita - Temple City Zoned District. As subdivided, Parcel No. 1 will contain more than 7,000 gross square feet, Parcel No. 2 will contain more than 10,000 gross square feet.
10. Surrounding properties to the north, south, east, and west are also zoned R-1-5,000 and are improved with single-family residences.
11. The subject property is depicted within the Low Density classification on the Land Use Policy Map of the Countywide General Plan. This classification of the General Plan identifies areas particularly suitable for single-family detached housing units, including large lot estates and typical suburban tract developments. Densities typically range from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate housing stock. The subject property has an allowable maximum density of two dwelling units under the applicable general plan classification and the applicant is proposing two dwelling units.
12. The Board finds the proposed project and the provisions for its design and improvements are consistent with the goals and policies of the Los Angeles County General Plan. The project takes full advantage of existing public service and facility capacities, maintains the quality of existing residential neighborhoods, and coordinates land use with existing transportation networks.
13. An Initial Study was prepared for CSD Modification No. 03-344-(5) and Tentative Parcel Map No. 060415-(5) ("Project") in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study reflected that there is no substantial evidence that the Project may have a significant effect on the environment. Accordingly, a Negative Declaration was prepared for this proposal.
14. The Board finds, based on the whole record before it, that there is no substantial evidence that the Project will have a significant effect on the environment. Thus, the Board adopts the Negative Declaration, finding that the documentation reflects the independent judgment and analysis of the Board.
15. This Project is exempt from Fish and Game CEQA filing fees.
16. The building permits previously issued for the project site confirm one single-family residence and a guest house being approved on the property. Over time the guest house was converted to a second single-family residence. Although this residence will be removed upon approval of this subdivision, the Regional Planning Department hearing officer referred the discovered violation to the

Department of Regional Planning's Zoning Enforcement Section for investigation. Zoning Enforcement reported that the structure was occupied. Zoning Enforcement issued a Notice of Violation on the property, and the resident of the second single-family residence was evicted by the applicant.

17. At the Commission's public hearing, opposition to CSD Modification No. 03-344-(5) was based on concerns about new two-story homes being placed on the property that would be out of scale and impact the privacy of the existing single-story residences in the area. Neighbors also opposed allowing another flag lot in the neighborhood.
18. While Section 21.24.320 of the Los Angeles County Code provides that a flag lot may be disapproved if the design conflicts with the pattern of neighborhood development, this proposal does not conflict with the neighborhood development because other flag lots exist.
19. To address privacy and compatibility concerns raised by neighbors, the Board will add a condition restricting the single-family dwelling on Parcel No. 2 to one-story, not exceeding 17 feet in height, and requiring that dwelling to be set back a minimum of 10 feet from the east and west property lines of Parcel No. 3.
20. The site is physically suitable for the density and type of development proposed because it has access to a county-maintained street, will be served by public sewers, and will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs.
21. The housing needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the Countywide General Plan.
22. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. Because of unusual characteristics of the property, strict application of the street frontage width requirement of the CSD would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;

- B. The modification will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located;
- C. Strict application of the CSD standards would result in unnecessary hardship inconsistent with the general purpose of the standards; and
- D. With the attached conditions, the modification will not be materially detrimental to the public health, safety or general welfare, or the use, enjoyment, or valuation of the property of other persons located in the vicinity.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Adopts the Negative Declaration for the Project; and
- 2. Approves CSD Modification No. 03-344-(5), subject to the attached conditions.

CONDITIONS OF APPROVAL
COMMUNITY STANDARDS DISTRICT MODIFICATION NUMBER 03-344-(5)

1. In conjunction with Tentative Parcel Map No. 060415-(5), this grant authorizes a modification of the minimum street frontage requirement of the East Pasadena - San Gabriel Community Standards District ("CSD") with respect to property located at 9137 Ardendale Avenue as depicted on Exhibit "A," subject to all of the following conditions of approval. The subject property shall comply with all other requirements of the East Pasadena - San Gabriel CSD.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Section 2.170.010 of the Los Angeles County Code.

6. This grant will expire unless used within two years from the date of approval. Time extensions granted for the associated parcel map, Tentative Parcel Map No. 060415-(5), shall also apply to this grant.
7. It is declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance or other regulation applicable to any development on the subject property is violated, the grant shall be suspended and the privileges granted shall lapse, provided that the property owner has been given written notice of such violation and has failed to correct the violations for a period of 30 days.
8. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
9. All structures shall comply with the requirements of the Building and Safety Division of the Los Angeles County Department of Public Works.
10. Upon approval of this grant, the permittee shall contact the Fire Prevention Division of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said department.
11. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
12. This CSD modification allows the modification of the minimum required street frontage from the required 70 feet to the proposed 60 and 20-foot widths. The permittee shall be in compliance with all other East Pasadena - San Gabriel CSD development standards.
13. A plot plan review for any new development on the subject property shall be required to ensure conformance with East Pasadena - San Gabriel CSD requirements prior to any construction.
14. The single-family dwelling proposed to be built on Parcel No. 2, and any future dwellings thereon, shall be limited to one story not to exceed 17 feet in height and be set back a minimum of 10 feet from the east and west property lines.